

February 5, 2010

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Nicole Quesada
City of Can Jose
Environmental Services Department
Municipal Water System Division
3025 Tuers Road
San Jose, CA 95121
(408) 277-3671
(408) 277-4954 Fax

**RE: Installation of Potable and Non-Potable Water Services and Mains
2009-2010 (Rebid)**

Subject: Notice of Intent Protest

Dear Ms. Quesada,

Fermin Sierra Construction, Inc. (FSC) received the City of San Jose's Notice of Intent to Award dated February 1st, 2010. FSC is notifying the City of San Jose of our protest to the Intent to Award Contract decision.

FSC is in fact the lowest bidder and supplied the city with all amounts for Items #3, #4a & #4b as stipulated in the spec book.

FSC did comply with Section 2-1.13A, included in the bid package were five (5) water projects. 3rd Street Watermain, City of Woodland; Colusa Street, City of Sunnyvale; 2001/2002 Watermain, City of Redwood City; 2002 Watermain, City of Palo Alto; and Forestview Water Relocation, Town of Hillsborough.

FSC has nothing but high praise for the City of San Jose and the professionalism of all personnel associated with public works, however, to the best of our knowledge, this is the first time the four (4) lowest bids were thrown out and the project was awarded to the fifth (5th) bidder. To the best of our knowledge, the awarding of this project to the fifth (5th) bidder would be setting a precedent.

FSC worked hard and diligently to provide all necessary specifications for this bid and we are confident the city will award the job to the lowest bidder, Fermin Sierra Construction, Inc.

We appreciate the attention you give to this notice. Please call me with any questions or for more information concerning this matter at (510) 784-6376 – office or (510) 773-0526 – cell.

Respectfully,

A handwritten signature in black ink, appearing to read "Francisco V. Sierra". The signature is fluid and cursive, with the first name "Francisco" being more prominent and the last name "Sierra" following in a similar style.

Francisco V. Sierra
General Manager
Fermin Sierra Construction, Inc.
32203 Almaden Blvd.
Union City, CA 94587
(510) 784-6376
(510) 784-6374 - Fax